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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/257,209	02/25/1999	KATSUHIRO OCHIAI	040447-0186	1872

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EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/257,209	Applicant(s) OCHIAI, KATSUHIRO	
	Examiner Jason J. Chung	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10, 28, 29 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39 and 40 is/are allowed.
- 6) ☐ Claim(s) 1-4, 7-10, 28, 29, 35-38, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 6/22/04 have been fully considered but they are not persuasive. The applicant argues on page 13 middle paragraph of the response that in the claims 1 and 3, "the network management apparatus is not involved in such a selection". The examiner respectfully disagrees with this assertion. The claims do not recite the network management apparatus is not involved in the selection and therefore the examiner has a broader interpretation of the claimed invention. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the network management apparatus is not involved in the selection) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues claims 7 and 9 should be patentable. Claims 7 and 9 are unpatentable for the same reasons as indicated above with respect to claims 1 and 3.

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Applicant's arguments on page 13 of the response with respect to claims 28, 29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments on page 13 of the response with respect to claims 35, 37 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 8, 10, 28, 29, 35-38, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura in view of Ito (US Patent # 6,085,019).

Regarding claim 1, Iwamura discloses an IEEE 1394 serial bus standard (column 3, lines 20-34), which meets the limitation on network.

Iwamura discloses an IRD (network management apparatus) comprises of PHY 224 that initializes the bus (column 4, lines 55-67), which meets the limitation on a network management apparatus.

Iwamura discloses a DVD player 900, mini disc player 902, and digital VCRs 903, 904 (figure 10), which meets the limitation on plural types of video apparatuses connected to the network. Iwamura discloses a topology map that can be generated by a receiver or by a TV set (column 3, lines 24-29), which is the network management apparatus connected to a network.

Iwamura discloses the self ID stores the connection status in the RAM 304 of IRD 100 (network management apparatus) (column 5, lines 25-44; figure 2a). Iwamura discloses the self identification process is performed with the DSS IRD 100 and the devices are given nodes and automatically assigned device names and the DSS IRD constructs a map in the CPU 312 of IRD and inquires as to their respective device types (column 5, line 45-column 6, line 5); the device sending the self ID packet is the device telling the network that they have just joined (service availability) and inquiring about the respective device types reads on functions, which meets the limitation on the plural types of video apparatus transmit the state relating to functions and service availability.

Iwamura discloses the user uses a drag and drop method for recording and figure 12 illustrates the signal flow information (column 8, lines 57-65), which meets the limitation on inquiring about the state of other video apparatuses and determining a communication partner based on information of the states of other video apparatuses which are obtained from the network management apparatus.

Iwamura fails to disclose the video apparatuses being capable of inquiring about state information of other of the video apparatuses **by sending an inquiry to the network management apparatus and transmitting the state information relating to stored programs.**

Ito discloses external devices 2<sub>1</sub>, 2<sub>2</sub>, 2<sub>n</sub> (video apparatuses) (column 6, lines 13-24). Ito discloses the recording reproducing device 26 (video apparatus) (column 5, lines 48-55); the external devices 2<sub>n</sub> and recording reproducing devices 26 both read on video apparatuses. Ito discloses the recording/reproducing control circuit 34 (network management apparatus) is connected to the external devices 2<sub>n</sub> (video apparatuses) and recording/reproducing device 26

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(video apparatus) via a bus (figure 2). Ito discloses the external device 2 (video apparatus) supplies a request signal S10 to the circuit 34 (network management) and circuit 34 searches for an empty region in device 26 (video apparatus); the device 26 supplies a signal back to circuit 34 (network management) (column 7, lines 15-53) and external device 2 (video apparatus) receives a record permission and begins supplying video data to the device 26 (column 7, lines 54-66), which meets the limitation on one of the plural types of video apparatuses inquires about the state information (stored programs) of other video apparatus and selects a communication partner on the basis of state information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura to have the video apparatus inquire about another video apparatus based on state information provided by the network management apparatus and transmit the state information relating to stored programs as taught by Ito in order to give the user less unnecessary trouble with decision making on signal paths.

Regarding claim 2, Iwamura discloses a plurality of the same digital VCR's 903, 904 connected to a network (figure 10, 12).

Regarding claims 3-4, the limitations in claims 3-4 have been met in claims 1-2 rejections.

Regarding claim 7, the limitations in claim 7 have been met in claim 1 rejection.

Regarding claim 8, the limitations in claim 8 have been met in claim 2 rejection.

Regarding claim 9, the limitations in claim 9 have been met in claim 1 rejection.

Regarding claim 10, the limitations in claim 10 have been met in claim 2 rejection.

Regarding claim 28, the limitations in claim 28 have been met in claim 1 rejection.

Regarding claim 29, the limitations in claim 29 have been met in claim 1 rejection.

Regarding claims 35-36, Ito discloses the recording reproducing control apparatus searches for an empty or available recording region (column 7, lines 15-31), which meets the limitation on the communication partner is automatically selected by one of the video apparatuses concerning currently available resources and the video apparatuses do not include resources that are currently assigned to any video apparatuses.

Neither Iwamura nor Ito discloses the network management apparatus does not select the communication partner for one of the video apparatuses. The examiner takes Official Notice that peer to peer communication is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura in view of Ito to have one video apparatus select a communication partner of another video apparatus in order to lessen the burden of the network management apparatus.

Regarding claims 37-38, Ito discloses the recording reproducing control apparatus searches for an empty or available recording region (column 7, lines 15-31), which meets the limitation on the communication partner is automatically selected by one of the video apparatuses concerning currently available resources and the video apparatuses do not include resources that are currently assigned to any video apparatuses.

Regarding claim 41, Iwamura discloses a plurality of the same digital VCR's 903, 904 connected to a network (figure 10), which meets the limitation on video apparatuses of the same type correspond to a plurality of video storing apparatuses.

Iwamura discloses the IRD 100 (column 3, lines 20-34), which meets the limitation on another of the plural types of video apparatuses corresponds to a video reception apparatus.

Iwamura discloses the IRD stores the connections in the RAM 304 (column 5, lines 16-50), which meets the limitation on the video reception apparatus receives the corresponding state information from each of the plurality of video storing apparatuses. Iwamura discloses the IRD 100 receives a signal from a satellite 201 (column 3, line 66-column 4, line 14), which meets the limitation on a video reception apparatus receives a video program. Ito discloses during recording or reproducing, recording/reproducing control circuit 34 interfaces the recording/reproducing device to send signals to the external device (column 6, line 65-column 7, line 14). Ito discloses the recording reproducing control apparatus searches for an empty or available recording region (column 7, lines 15-53), which meets the limitation on determine the optimal video storing apparatus to store the video program therein and to thereby become the communication partner of the video apparatus, the video apparatus being capable of inquiring about state information of other video apparatuses by sending an inquiry to the network management apparatus.

Regarding claim 42, Iwamura discloses a plurality of the same digital VCR's 903, 904 connected to a network (figure 10), which meets the limitation on video apparatuses of the same type correspond to a plurality of video storing apparatuses.

Iwamura discloses the IRD 100 and display 102 (column 3, lines 20-34); the combination of IRD 100 and display 102 reads on display apparatus, which meets the limitation on another of the plural types of video apparatuses corresponds to a video display apparatus.

Iwamura discloses the IRD stores the connections in the RAM 304 (column 5, lines 16-50), which meets the limitation on the video display apparatus receives the corresponding state information from each of the plurality of video storing apparatuses. Iwamura discloses the



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discloses the signal flow between devices and the signal is being sent from a storage device to the display device (column 8, lines 58-65; figure 12), which meets the limitation on when a command is received by the video display apparatus to display a program and wherein a particular one of the plurality of video storing apparatuses in which the particular program is found to be stored therein is assigned the communication partner with the video display apparatus, in order to display the particular program.

***Allowable Subject Matter***

Claims 39-40 are allowed over the prior art for the reasons indicated in the Final Office Action mailed 3/24/04.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



CHRIS GRANT  
PRIMARY EXAMINER